

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-17731 - APPLICANT: MARK JAGET - OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (4-3/se, rt, ds vote) recommends DENIAL. Staff recommends APPROVAL subject to:

**Planning and Development**

1. Conformance to the conditions set forth in Special Use Permit (SUP-17729), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/24/06, except as amended by conditions herein.
4. Three Deglet-Noor Date Palm trees at least 25 feet in height shall be installed along the Third Street frontage.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect: 1. A revised roof signage plan for the south elevation; 2. An exit only for the Third Street garage opening; and 3. Additional architectural detail.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
13. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
17. Dedicate a 10 foot-radius on the northeast corner of Gass Avenue and 3rd Street.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown Centennial Plan standards concurrent with development of this site, except as amended by conditions herein.

19. The proposed driveway on Third Street shall meet the approval of the City of Las Vegas Traffic Engineer prior to the submittal of construction drawings for this site.
20. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Landscape and maintain all unimproved rights-of-way, if any, on Gass Avenue and 3rd Street adjacent to this site.
22. Submit an Encroachment Agreement for all landscaping, if any, located in the public rights-of-way adjacent to this site prior to occupancy of this site. Aerial encroachment shall not be permitted except as allowed by the Downtown Centennial Plan standards. No doors, gates or other such features shall encroach into the right-of-way either in the open or closed position.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

This is a mixed-use, low-rise (five stories) residential development with 2,029 square feet of retail space available on the ground floor in a new building at the northeast corner of Third Street and Gass Avenue in downtown Las Vegas. The building is designed to reflect a warehouse-type loft residential development. There are several floor plans within this 30-unit development with several being of a “skip stop” layout offering both north and south views. A landscaped amenity area is located above the garage on the second floor that will include a pool. Roof signage is being proposed as an architectural element to reflect a 1940’s style Las Vegas design. In addition, a companion application request for a Special Use Permit (SUP-17729) has been filed.

### BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12-10-64	City Council rezoned the entire downtown including the subject properties.
	<a href="#">The Planning Commission recommended denial of companion item SUP-17729 concurrently with this application.</a>
12/07/06	<a href="#">The Planning Commission voted 4-3/se, rt, ds to recommend DENIAL (PC Agenda Item #29/yk).</a>
<b><i>Pre-Application Meeting</i></b>	
10/12/06	The applicant met with staff concerning the development of a mixed-use project on commercially zoned property. The applicant was informed of the Special Use Permit requirement for the proposed mixed-use residential/commercial development and the standards for a Site Development Review application. A waiver for the required loading zone would be required and the applicant was informed that the proposed roof signage was problematic and should be reconsidered.
<b><i>Neighborhood Meeting</i></b>	
NA	NA

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	.60 acres
Net Acres	.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	Commercial	R-4 (High Density Residential)
North	Office	Commercial	C-2 (General Commercial)
South	Apartments	Commercial	R-4 (High Density residential)
East	Office/Parking Lot	Commercial	C-2 (General Commercial)
West	Apartments	Commercial	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Yes
Redevelopment Plan Area	X		Yes
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District	X		Yes
G-O Gaming Enterprise Overlay District		X	NA
A-O Airport Overlay District	X		Yes
H Historic Designation		X	NA
Downtown Casino Overlay District		X	NA
Live/Work Overlay District	X		Yes
Las Vegas Boulevard Scenic Byway Overlay District		X	NA
<b>Trails</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	13,655 square feet	Yes
Min. Lot Width	NA	100 feet	Yes
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	NA NA NA NA	None None None None	Yes
Min. Distance Between Buildings	NA	None	Yes

Max. Lot Coverage	100% allowed	100%	Yes
Max. Building Height	No limit	80 feet	Yes
Trash Enclosure	Required	Yes	Yes
Mech. Equipment	Screened	Yes	Yes

Per Title 19.08: All structures located in the Downtown Overlay District are exempted from the automatic application of the building height, building setback, lot coverage provisions and residential adjacency standards.

<i><b>Streetscape Standards</b></i>	<i><b>Required</b></i>	<i><b>Provided</b></i>	<i><b>Compliance</b></i>
Downtown Centennial Plan	5-foot amenity zone and 11-foot sidewalks	5-foot amenity zone and 11-foot sidewalks	Yes

This project meets the Downtown Centennial Plan streetscape requirements by providing five Southern Heritage Live Oak trees along the Gass Avenue frontage and providing three Deglet-Noor Date Palm trees along the Third Street frontage. Additional landscaping is located on the second floor amenity area on the north and east elevations of the structure.

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential (studio & 1 bedroom)	20	1.25 + one guest/6	28	2	28	2	Yes
Residential (2 bedroom)	10	1.75 + one guest/6	21	1	0	0	No
Retail	2,029 square feet	1 per 175 square feet	12	1	0	0	No
SubTotal			61	4	28	2	No
Loading Spaces		3			0		No

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. The applicant is justifying providing no parking for the retail portion of this project due to the availability of on-street parking, nearby availability of parking in paid garages and the location of mass transit lines along Las Vegas Boulevard and Casino Center Boulevard. Staff concurs with this portion of the application. The fact that a service alley is adjacent to the project justifies the lack of loading spaces and staff concurs.

Staff is concerned with the lack of stacking space before the security gates, especially on the Third Street entrance. Staff recommends that the Third Street entrance be converted to an exit only and that the garage opening off the alley be used only for an entrance which would allow some stacking room off of the street via the service alley. All electronic security gates must have written approval by City of Las Vegas Traffic Engineering prior to being permitted.

<b>Third Street Roof Sign: [19.14.(F).10]</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 / Street frontage 1 total	1 total
Maximum Area	20% of elevation up to a maximum of 150 SF.	35 SF
Maximum Height	8 feet above top of wall	Shall be below 8 feet above the top of the wall
Minimum Setback	NA	NA
Illumination	Internal, External	Internal non-flashing red neon

<b>Gass Avenue Roof Sign: [19.14.(F).10]</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 / Street frontage 1 total	4 / Street frontage 4 total
Maximum Area	20% of elevation up to a maximum of 150 SF.	84 SF total for all four signs
Maximum Height	8 feet above top of wall	Shall be below 8 feet above the top of the wall
Minimum Setback	NA	NA
Illumination	Internal, External	Internal non-flashing red neon

## ANALYSIS

The elevation of the proposed building is creative and offers a distinct design element into the downtown that has not been seen for many years. The west and south elevations show considerable relief with the recessed balconies. The proposed stone veneer and silver-shaded glass adds a modern feel to the warehouse character of the project. The garage gate on the west elevation is rather plain and will need to be revised showing additional architectural detail. The wrap around canopy over the sidewalk will require an aerial easement from Public Works.

The site plan takes maximum advantage of the limited space with the retail component at the southwest corner of the project and the parking garage wrapping around it. Due to the lack of stacking for the secured entry off of Third Street, it is advised that this become an exit only with the sole entrance to the garage being off of the service alley on the east side of the project. Written approval from the City of Las Vegas Traffic Engineering is required for the

electronically secured garage doors. There are no loading docks being proposed for this project. However, the service alley will provide ample room for trucks to load and unload goods directly adjacent to the east property. A trash chute with access directly off of the service alley is also being provided.

There are 15 floor plans being offered in the 30-unit residential component of the project which provides a wide range of choices ranging from 811 square feet to over 2,100 square feet per unit. There are four “skip stop” units that will provide the residents with both north and south views. The retail will be located on the ground floor facing the west and south. The lobby for the residential units is located off of Third Street and the retail can be accessed from both the lobby and directly off of Gass Avenue.

Five roof-top signs are being proposed for this development. Title 19 allows for one roof-top sign per street elevation. The proposed signage for the west elevation meets this requirement. However, four roof-top signs are being proposed for the Gass Avenue frontage. Staff recommends that these four signs either be consolidated or that the numbers 3, 1, and 0 are removed altogether. The red non-flashing neon may be problematic for neighboring residential units.

## **FINDINGS:**

The following findings must be made for an SDR:

1. The proposed development is compatible with adjacent development and development in the area. *Upon approval of the companion Special Use Permit (SUP-17729) the proposed development is compatible with adjacent development and overall downtown development.*
2. The proposed development is consistent with the General Plan, Title 19, and the Downtown Centennial Plan. *With the exception of the lack of loading zones and the proposed roof signage, this proposed development is consistent with the General Plan, Title 19 and the Downtown Centennial Plan.*
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic. *The capacity of both Third Street and Gass Avenue are adequate to meet the requirements of the proposed development. However, due to the lack of off-street stacking available, the Third Street garage opening shall be used as an exit only with entrance to the garage via the service alley to the east.*
4. Building and landscape materials are appropriate for the area and for the City. *The streetscape landscaping meets the Downtown Centennial Plan standards.*



5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area. *The design and the proposed materials for the elevations of the building offer a creative aesthetic appearance and will blend well with the surrounding downtown environment.*
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare. *An aerial encroachment permit is required for the sidewalk canopy and written approval for the electronic garage doors from the Traffic Engineering Department are required. The development will require building permits from the Department of Building and Safety which will assure the public health, safety and general welfare are secured. Additionally, a detailed construction plan will be submitted and approved by Planning and Development staff prior to construction.*

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      3

**NOTICES MAILED**      272      by Planning Dept

**APPROVALS**      0

**PROTESTS**      1